

REMARKS

This responds to the Office Action mailed on February 27, 2006, and the references cited therewith.

Claims 1, 13, 17, 24, and 30 are amended, claims 3, 25, and 31 are canceled, and no claims are added; as a result, claims 1, 2, 4-24, 26-30, and 32 are now pending in this application.

37 CFR 1.105 Requirement for Information

The pending office action provided a “non-exhaustive list” of what were termed “possible related co-pending applications and patents.” The Office Action further requests identification of other co-pending applications and related patents and “information needed to determine the commonality among the claims.” The rationale being that “the applicant (or the assignee) is presumably far more cognizant of the contents of the claims in these applications than any Office staff, and has access to the source documents by which such comparison could be done better than within the Office.”

Applicant appreciates the large number of related cases, and the following list is a good faith effort to provide the requested information. From the list provided by the Examiner, Applicant has constructed the following table of cases including Attorney docket numbers and serial numbers to related family members. No additional family lines have been identified as related to the best of our knowledge. It should be noted that serial number 09/970,262 and 09/849,792 listed by the Examiner appear to be abandoned, and Applicant submits that they do not present a double patenting issue.

| Docket Title | Docket # | Con/Dw | Con/Dw | Con/Dw | Con/Dw | Con/Dw |
|---|----------|------------|------------|------------|------------|------------|
| METHOD AND APPARATUS FOR TAKING A BIOPSY | 600.655 | 08/919.583 | 10/854.100 | | | |
| METHOD AND APPARATUS FOR STORING GUIDE WIRES | 1276.002 | 08/849.791 | 10/894.466 | | | |
| IMPLANTABLE RESERVOIR AND SYSTEM FOR DELIVERY OF A THERAPEUTIC AGENT | 600.657 | 08/790.982 | 10/801.299 | 11/430.590 | | |
| METHOD AND DEVICE FOR DEFLECTING A PROBE | 600.663 | 08/502.991 | 10/672.755 | | | |
| INTERVENTIONAL MINISURGICAL TABLE | 600.659 | 10/260.697 | | | | |
| DEEP ORGAN ACCESS DEVICE AND METHOD | 723.021 | 08/828.451 | 10/175.668 | | | |
| REMOTE ACTUATION OF TRAJECTORY GUIDE | 723.012 | 08/078.913 | 08/378.868 | 08/363.175 | 08/363.510 | 08/717.843 |
| INTERVENTIONAL MR SURGICAL TABLE | 600.654 | 09/849.792 | | | | |
| METHOD AND APPARATUS FOR POSITIONING A DEVICE IN A BODY | 723.017 | 08/238.749 | 08/792.566 | | | |
| BRIEF CASE FOR LAPTOP COMPUTER | 924.001 | 04/421.726 | | | | |
| Transferred to another firm | 723.002 | 08/915.596 | | | | |
| Transferred to another firm | 600.470 | 04/541.288 | | | | |
| TRAJECTORY GUIDE METHOD AND APPARATUS FOR USE IN MAGNETIC RESONANCE AND COMPUTERIZED TOMOGRAPHIC SCANNERS | 600.432 | 09/058.092 | | | | |

Applicant is not aware of any specific claims in the above table that present a double patenting issue.

Double Patenting Rejection

Claims 1-32 were rejected under a non-statutory double patenting rejection, specifically U.S. Patent No. 5,993,463. Applicant does not admit that claims of the present application are obvious in view of any claims of the '463 patent, however in the interest of moving the present application forward towards allowance, Applicant has amended selected independent claims.

For example, claim 12 of the '463 patent recites:

A surgical apparatus comprising:

a first base unit;

a first elongated guide stem having a passage therein, a ball attached to one end of the guide stem, said ball having a passage therein, said ball fitting within the first base unit, said ball capable of rotating with respect to the first base unit;

a first guide stem cable mount associated with said first elongated guide stem;

a second base unit;

a second elongated guide stem having a passage therein, a ball attached to one end of the guide stem, said ball having a passage therein, said ball fitting within the second base unit, said ball capable of rotating with respect to the second base unit;

a second guide stem cable mount associated with said second elongated guide stem; and

a cable connected at one end to the first guide stem cable mount and connected at the other end to the second guide stem cable mount, wherein the first elongated guide stem moves in response to moving the second elongated guide stem.

Claim 1 of the present application, as amended includes, a thumb wheel advancer located remote from the guide unit that translates rotation of the thumb wheel about a thumb wheel axis into motion of the holder assembly along the range of motion. Applicant respectfully submits that such a claim element is not found in the claims of the '463 patent, nor is such a claim

element an obvious variation thereof. The remaining independent claims of the present application have been amended to include similar recitations.

Because the claims in the present application are not an obvious variation of the claims in the '463 patent, an obviousness type double patenting rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CANDIS BUENDING

Name


Signature